



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 3, 1996

Ms. Tina Plummer
Open Records Coordinator
Texas Department of Mental Health and Mental Retardation
P.O. Box 12668
Austin, Texas 778711-2668

OR96-1580

Dear Ms. Plummer:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID#100395.

The Texas Department of Mental Health and Mental Retardation (the "department") has received a request for various records concerning specified department employees. You have released much of the requested information in response to the request. You contend that section 552.101 of the Government Code and section 611.002 of the Health and Safety Code except from disclosure the record submitted for our review.

Section 552.101 excepts from disclosure information that is confidential by another source of law. Section 611.002 provides in part:

- (a) Communications between a patient and a professional, and records of the identity, diagnosis, evaluation, or treatment of a patient that are created or maintained by a professional, are confidential.
- (b) Confidential communications or records may not be disclosed except as provided by Section 611.004 or 611.0045.

The record is a physician's summary of his psychological evaluation of a patient. This record is within the scope of section 611.002. Therefore the department can disclose the records only "to the extent that disclosure is consistent with the authorized purposes for which the [department] obtained the information." Health & Safety Code § 611.004(d).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Loretta DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 100395

Enclosure: Submitted document

cc: Ms. Wanda Stout Adams
(w/o enclosure)